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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/849,314

05/19/2004

Jeffrey Kisak

GETS 5322.1/133602

5792

321

7590

01/30/2006

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

JULES, FRANTZ F

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,314

Applicant(s)

KISAK ET AL

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 20-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☒ Claim(s) 1 and 5-19 is/are objected to.
- 8) ☒ Claim(s) 20-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/14/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Specie I, claims 1-19 in the reply filed on 12/14/2005 is acknowledged.
2. Claims 20-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/14/2005.

Claim Objections

3. Claims 1-10, 12-19 are objected to because of the following informalities:

In claim 1, line 5, the phrase "of one operating area" should be replaced by --of one of the operating areas-- to improve the clarity of the claim language.

In claim 1, line 5, the phrase "a second operating area" should be changed to --a second one of the operating areas-- to improve the clarity of the claim language.

In claim 1, line 11, the word "emissions" should be changed to --emission--. Similar correction should be made to claim 1, line 13.

In claim 1, the word --additional-- should be added in front of locomotive to improve the clarity of the claim language. Similar correction should be made to claim 2, line 2, claim 4, line 1, line 2.

In claim 5, line 3, the phrase "a particular operator" should be replaced by --the operator-- to improve the clarity of the claim language. Similar correction should be made to claims 6-9.

In claim 1, line 10, the word "the" should be replaced by --a-- in front of the word group.

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In claim 10, line 1, the phrase "a first operating area" should be replaced by –a first one of the operating areas—to improve the clarity of the claim language.

In claim 10, line 2, the phrase "a second operating area" should be replaced by –a second one of the operating areas—to improve the clarity of the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 2, the phrase "operating area" is confusing as it is unclear how it relates to previously recited operating areas above. Similar problem exists in claim 4

Claim 3 recites the limitation "the path located relative to a security control area" in line

3. There is insufficient antecedent basis for this limitation in the claim as this limitation has not been previously recited.

Allowable Subject Matter

6. Claims 1, 5-10, 12-19 are objected for the informalities as listed above, but would be allowable if rewritten to correct the above listed deficiencies. None of the references of record suggests a method of managing operation of a locomotive comprising the step of controlling the operation of the locomotive as a function of the determined operating area and the associated location profile, wherein said location profile being selected

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from a group comprising a security profile and an emission profile, wherein said security profile includes a restriction on an operation of the locomotive based on its position relative to a security control area, and wherein said emissions profile includes a restriction on an operation of the locomotive based on its position relative to an emission control area in the manner defined in the instant claim 1.

7. Claims 2-4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

McLeod et al, Kane et al, Braband and Kaiser et al are cited to show related vehicle remote control system comprising controlling of the vehicle from a security area.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (571) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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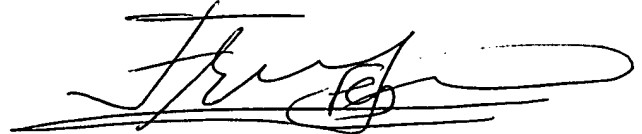
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

January 19, 2006

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz', with a long horizontal flourish extending to the right.